

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERIN VECCHIO,

Plaintiff,

09cv1485

**ELECTRONICALLY FILED**

v.

ANTHONY M. DELUCA in his official and  
individual capacity and STEVEN H. STETLER  
in his official and individual capacity.

Defendants.

**Order of Court Granting in Part and Denying in Part  
Motion to Disclose FBI Information (Doc. No. 59)**

Plaintiff Erin Vecchio has filed a Motion to Disclose FBI Investigation Materials (Doc. No. 65) pursuant to this Court's Text Order dated March 22, 2010 and Fed.R.Crim.P.

6(e)(3)(E)(i). Plaintiff asserts that she recently became aware of the existence of information that is reasonably calculated to lead to the discovery of admissible evidence, which information is part of a Federal Bureau of Investigation ("FBI") investigation.

Specifically, Plaintiff seeks to obtain three related categories of information (notes, witness statements, testimony, recordings or other documents) from the FBI, namely: (1) information that refers to Defendant Anthony DeLuca's knowledge of Plaintiff's grand jury testimony and Defendant DeLuca's use of his political power to influence Defendant Steven H. Stetler's decision to terminate Vecchio; (2) information regarding Defendant Stetler's knowledge of Plaintiff's grand jury testimony and Defendant Stetler's decision to terminate Vecchio; and (3) information regarding any other individual's knowledge of Plaintiff's grand jury testimony or information regarding Plaintiff's termination from employment with the Department of Revenue. Plaintiff explicitly limits her request "solely to information which pertains to the individual

Defendants' involvement in her termination and Defendants' knowledge of Vecchio's testimony before the grand jury." Brief in Support (Doc. No. 66) at 3.

Defendants oppose this motion (Docs. Nos. 67, 68, 69), and the FBI has filed a response (Doc. No. 72) pursuant to this Court's Order of April 1, 2010 (Doc. No. 71). In its response, the FBI avers that after a review of its files, it has no information falling into the first two categories of information, but has three documents that might fit into the third category of information. As to these documents, the FBI asserts that disclosure would reveal information compiled for law enforcement proceedings, production of which may interfere with ongoing criminal investigation, and that production is prohibited pursuant to the law enforcement privilege and the Privacy Act, 5 U.S.C. § 552. Nevertheless, the FBI does not object to the Court reviewing the portions of these three identified documents, *in camera*, for a determination of whether these portions are properly withheld as privileged. With that understanding, the Court will grant in part and deny in part plaintiff's motion for disclosure. Accordingly,

IT IS HEREBY ORDERED that the Federal Bureau of Investigation produce to this Court for an *in camera* review on or before April 26, 2010, any and all notes, witness statements, testimony, recordings or other documents regarding any other individual's knowledge of Plaintiff Erin Vecchio's grand jury testimony or information regarding Plaintiff Erin Vecchio's termination from employment with the Department.

s/ Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: All Registered ECF Counsel and Parties